

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STOCKFOOD AMERICA, INC.,

Plaintiff,

v.

SEQUOIA WHOLESALE FLORIST, INC.,

Defendant.

Case No. [20-cv-03507-JD](#)

**ORDER ADOPTING REPORT AND  
RECOMMENDATION, AND  
GRANTING MOTION FOR DEFAULT  
JUDGMENT**

Re: Dkt. No. 34

This is a copyright infringement action brought by plaintiff Stockfood America, Inc. (Stockfood) against defendant Sequoia Wholesale Florist, Inc. (Sequoia), concerning Sequoia's unlicensed use of Stockfood's photograph of a flower of the genus *Eryngium*, Dkt. No. 1 ¶ 10 & Ex. 2. Default was entered for Sequoia, Dkt. No. 25, and Stockfood filed a motion for default judgment, Dkt. No. 27.

Magistrate Judge Donna M. Ryu filed a report and recommendation for that motion. Dkt. No. 34. Despite being ordered to serve a copy of the report and recommendation on Sequoia "[i]mmediately upon receipt," Dkt. No. 34 at 16, Stockfood inexplicably did not serve Sequoia or file a certificate of service until well over a month after the Magistrate Judge issued her report and recommendation. Dkt. No. 36. Even so, the record establishes that Sequoia was served, albeit less than promptly as ordered. It has not filed a response or objection to the report, and the time to respond has closed. Dkt. No. 34 at 16; Fed. R. Civ. P. 72(a).


Magistrate Judge Ryu's report was issued after holding a motion hearing and receiving supplemental briefing from Stockfood, Dkt. Nos. 32, 33, and the Court finds the report to be thorough and well-reasoned. It is adopted in full, and Stockfood's motion for default judgment is granted as recommended. Stockfood is awarded \$4,800 in statutory damages, \$6,342.50 for

1 attorney's fees, \$576.24 in costs, and post-judgment interest. Its requests for injunctive relief and  
2 pre-judgment interest are denied.

3 Judgment will be entered for plaintiff and the case closed.

4 **IT IS SO ORDERED.**

5 Dated: October 6, 2021

6  
7  
8   
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

---

JAMES DONATO  
United States District Judge